IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7513 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHAIKH MOHMAD HUSAIN MOHMAD SHAFI

Versus

UNION OF INDIA

Appearance:

MR PR NANAVATI for Petitioner No. 1
MR DN PATEL, Addl. Central Govt.
Standing Counsel for Respondent No. 1-2

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 10/09/2001

ORAL JUDGEMENT

Rule. Mr. D.N. Patel, learned Additional Central Government Standing Counsel appears on behalf of the respondents and waives service of rule on behalf of the respondents.

2. This petition has been filed for a direction to the respondent no. 2 to issue passport with necessary correction with regard to birth date of the petitioner.

3. It is also stated that due to some inadvertence date of birth of the petitioner as 21-7-1961 in place of 26-9-1967 has been wrongly mentioned in the passport issued earlier. The petitioner has moved the application before the respondent no. 2 authority for the very purpose but the same has not been decided stating that the respondent no. 2 has no authority or power to make correction with regard to birth date in the passport unless any order is passed by the competent authority in this respect. The learned counsel for the petitioner has referred to the birth date certificate of the petitioner which is annexed as Annexure-D to this petition.

4. In the facts and circumstances of this case, this petition is being disposed of finally by directing the respondent no. 2 to consider and decide the aforesaid application filed by the petitioner on the basis of the material and evidence on record including the birth certificate produced by the petitioner in accordance with law with regard to date of birth as 26-9-1967 in place of 21-7-1961 and for issuance of passport with necessary correction, as expeditiously as possible preferably within a period of four weeks from the date of presentation of a certified copy of this order. The respondent authority would be at liberty to pass appropriate order with regard to costs of this proceedings.

5. Rule is made absolute to the aforesaid extent, with no order as to costs. D.S. is permitted.

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/JVSatwara/